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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 1449

FILED
2008 MAY -8 AM 9:45
UNIT

UNITED STATES OF AMERICA,

Plaintiff,

v.

Audenago Montes ACOSTA

Defendant

Mag. Case Number: _____

COMPLAINT FOR VIOLATION OF

Title 21, U.S.C., Sections 952 and 960
Importation of a Controlled Substance

The undersigned complaint being duly sworn states:

On or about May 7, 2008, within the Southern District of California, Audenago Montes ACOSTA did knowingly and intentionally import approximately 0.75 kilograms of Methamphetamine, a Schedule I Controlled Substance, into the United States from a place outside thereof; in violation of Title 21, United States Code, Sections 952 and 960.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SPECIAL AGENT
U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 8 DAY OF
May, 2008.


MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

I, Special Agent Derren Henderson, declare under penalty of perjury, the following is true and correct:

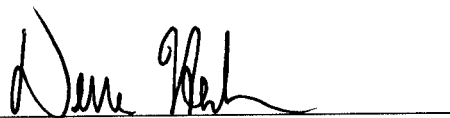
On May 7, 2008 at approximately 0425 hours, Audenago Montes ACOSTA attempted to make entry into the United States at the San Ysidro, CA, Port of Entry from the Republic of Mexico. ACOSTA was the driver of a White Ford pickup bearing California, United States license plates 5F23888. In the pre-primary inspection area, a Canine Enforcement Officer (CEO) utilized his Narcotic Detection Dog (NDD) and inspected the Ford pickup. The NDD alerted to the vehicle for the presence of a narcotic odor.

As the CEO continued his inspection of the vehicle, A Customs and Border Protection (CBP) Officer at the primary inspection booth approached the driver, ACOSTA, and asked for his identification. ACOSTA presented his Permanent Resident Card and California identification card. ACOSTA told the Officers that he was going to his home in Chula Vista, and that he was not bringing anything back from Mexico. ACOSTA stated that he went into Mexico to see his wife. ACOSTA stated a second time that he was not bringing anything back from Mexico. At this time, Officers escorted ACOSTA into the security office, and the vehicle was escorted to the secondary inspection area for further examination.

In the secondary inspection area, CBP Officers inspected the vehicle and discovered one wrapped package in a compartment inside the driver's side door. A random sample revealed a crystalline substance that tested positive for methamphetamine. The total weight of the package was 0.75 kilograms.

U.S. Immigration and Customs Enforcement (ICE) Special Agents contacted ACOSTA and advised him that methamphetamine had been found in the vehicle and that he was under arrest. ACOSTA was arrested and charged with violation of Title 21 USC 952, 960, Importation of a Controlled Substance, and was booked into the Metropolitan Correctional Center, San Diego, CA.

Executed on May 8, 2008



Special Agent,
U.S. ICE